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HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P.No. 96 of 2007

APPLICANT/ PETITIONER	Shaifyat Khan, s/o Muhammad Khan, aged about 45 years, occupation Business, resident of Gram Jahara Tola, Thana Lohara Distt. Kabir Dham (C.G.)
	Versus
NON-APPLICANT/ RESPONDENT	Shaidunnisha daughter of Salim Khan, aged about 40 years, resident of Gram Jahara Tola, Thana Lohara District Kabir Dham (C.G.)

PETITION UNDER SECTION 482 OF Cr.P.C.

Appearance:

Shri Ankit Pandey, Counsel for the petitioner.

Shri Sushil Dubey, Govt. Advocate for the State on advance copy.

ORAL ORDER
(04.07.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

It appears that an interim maintenance to the tune of Rs.400/- was granted to the wife by the concerned Magistrate against which, the criminal Revision was filed before the Sessions Judge, which was also rejected.

Learned counsel for the petitioner argues that the amount of interim maintenance is not in accordance with law.

I have gone through the impugned orders of the two courts below. There appears to be no illegality in such orders passed by the courts below.

The provisions of section 125 of Cr.P.C. are enacted for social justice and especially to protect the women and children as also the old and infirm poor parents and falls within the constitutional sweep of Article 15(3) reinforced by Article 39 of the Constitution. The provision gives effect to natural and fundamental

duty of a man to maintain his wife, children and parents so long as they are unable to maintain themselves.

In view of the above and also in view of the contents of the orders passed by the courts below, there is no merit in the petition.

The petition is not worth admission and it is dismissed at the motion stage itself.

Sd/-
SUNIL KUMAR SINHA
Judge

/Rao/